

Thought so. Thank you.

Sent from my iPhone

On Feb 16, 2016, at 10:26 AM, Jaramillo, Dennis <Jaramillo.Dennis@epa.gov> wrote:

No problem Linda. I am referring to the March 2009 chart that appears on the Counter Assault webpage with the phrase you reference.

Dennis

Dennis Jaramillo, Pesticides Enforcement Coordinator
Office of Enforcement, Compliance and Environmental Justice(8ENF-UFO)
US EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
Phone 303-312-6203
Fax 303-312-6953

From: Hollis, Linda

Sent: Tuesday, February 16, 2016 8:24 AM

To: Jaramillo, Dennis <Jaramillo.Dennis@epa.gov>

Cc: Koch, Erin <Koch.Erin@epa.gov>

Subject: Re: Sen. Tester Followup Inquiry on Bear Spray

Thanks, Dennis.

One more question. Are you referring to the chart labeled "revised 2008" that was attached to the March EPA letter? Or the chart that I s currently on the website which contains the phrase "EPA approved- March 2009?"

On Feb 16, 2016, at 10:10 AM, Jaramillo, Dennis <Jaramillo.Dennis@epa.gov> wrote:

Hi Linda,

The short answer to your question is yes.

The longer and slightly more complicated answer is, the comparison chart (approved by OPP in 2009) may be considered to false and misleading, as stated in 40CFR 156.10(a)(5)(iv).

Kind Regards,

Dennis

Dennis Jaramillo, Pesticides Enforcement Coordinator
Office of Enforcement, Compliance and Environmental Justice(8ENF-UFO)
US EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
Phone 303-312-6203
Fax 303-312-6953

From: Hollis, Linda

Sent: Saturday, February 13, 2016 11:57 AM

To: Jaramillo, Dennis <Jaramillo.Dennis@epa.gov>

Cc: Koch, Erin <Koch.Erin@epa.gov>

Subject: Fwd: Sen. Tester Followup Inquiry on Bear Spray

Subject: Re: Sen. Tester Followup Inquiry on Bear Spray

Greetings Dennis,

HQ is responsible for responding to the remaining questions 2-5 of the Bear inquiry. We have read your response to question number 1 and are unclear as to why R8 states that the only outstanding issue is the comparison chart. We are not clear as to why or what about the comparison chart is outstanding? The response further states that "the continued use of that chart is national program office decision." Is your concern whether the chart can be continued to be used and that is why the issue is outstanding?

Please clarify as HQ would like to close the loop on this inquiry.

Best,

Linda Hollis, Chief

Office of Pesticide Programs

Biochemical Pesticides Branch

From: Jaramillo, Dennis

Sent: Monday, January 04, 2016 11:04 AM

To: Russo, Rebecca <Russo.Rebecca@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>;

Janifer, Pamela <Janifer.Pamela@epa.gov>

Cc: Cobb, David <cobb.david@epa.gov>; Reynolds, Cynthia <reynolds.cynthia@epa.gov>

Subject: RE: Sen. Tester Followup Inquiry on Bear Spray

All,

In response to question 1; the Notice of Warning was received by Bushwacker Backpack and Supply Company on May 1, 2014. The Region has not taken any follow up action since the Notice of Warning was issued, and Bushwacker has made the required changes to their website. The only outstanding issue is the comparison chart, which was approved by OPP for Bushwacker to use on their labeling (which extends to their website). The continued use of that chart is national program office decision.

Kind Regards,

Dennis

Dennis Jaramillo, Pesticides Enforcement Coordinator

Office of Enforcement, Compliance and Environmental Justice(8ENF-UFO)

US EPA Region 8

1595 Wynkoop Street

Denver, CO 80202-1129

Phone 303-312-6203

Fax 303-312-6953

From: Russo, Rebecca

Sent: Wednesday, December 30, 2015 1:17 PM

To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Janifer, Pamela <Janifer.Pamela@epa.gov>

Cc: Cobb, David <cobb.david@epa.gov>; Jaramillo, Dennis <Jaramillo.Dennis@epa.gov>

Subject: RE: Sen. Tester Followup Inquiry on Bear Spray

Hi all,

I think Region 8 still needs to respond to Q1? I'm working today and tomorrow, but then out until Wednesday 1/6. Dennis is out until Monday 1/4. David – any thoughts on it?

Thanks,

Rebecca

Rebecca A. Russo

Region 8 Congressional and Intergovernmental Liaison

Office: 303-312-6757

Cell: 303-204-1930

From: Kaiser, Sven-Erik

Sent: Monday, December 21, 2015 7:47 AM

To: Russo, Rebecca <Russo.Rebecca@epa.gov>; Janifer, Pamela <Janifer.Pamela@epa.gov>; Trulove, Whitney <Trulove.Whitney@epa.gov>; Smith, Paula <Smith.Paula@epa.gov>; Janifer, Pamela <Janifer.Pamela@epa.gov>

Subject: RE: Sen. Tester Followup Inquiry on Bear Spray

Bear Spray Team – including the documents that got dropped in the last message. Thanks,

Sven

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460

202-566-2753

From: Kaiser, Sven-Erik

Sent: Monday, December 21, 2015 9:46 AM

To: Russo, Rebecca <Russo.Rebecca@epa.gov>; Janifer, Pamela <Janifer.Pamela@epa.gov>; Trulove, Whitney <Trulove.Whitney@epa.gov>; Smith, Paula <Smith.Paula@epa.gov>; Janifer, Pamela <Janifer.Pamela@epa.gov>

Subject: Sen. Tester Followup Inquiry on Bear Spray

R8 team – OECA says that Q1 goes to R8. Please take a look and let me know if you're handling. Q2-5 went to pesticides in HQ. Please let me know if any questions. Thanks,

Sven

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460

202-566-2753

Begin forwarded message:

From: "Janifer, Pamela" <Janifer.Pamela@epa.gov>

Date: December 17, 2015 at 12:49:53 PM EST

To: "Emmerson, Caroline" <Emmerson.Caroline@epa.gov>, "Miles, James" <miles.james@epa.gov>, "Folkemer, Nathaniel" <Folkemer.Nathaniel@epa.gov>

Subject: Follow-up - Sen. Tester Inquiry: Bear Spray - Counter Assault NOW

I provided the attached information to Senator Tester's staffer, Erik Nylund inquiry about status of the issue. Erik forwarded follow-up questions (see below). It probably makes more sense to do call to respond the questions.

The holidays are upon us and I understand many of you may be taking time off. David Cobb provided some of the responses to Erik's inquiry. It would be ideal to have R8 participation however, I've learned that he is out until after the 25th.

Most of Erik's follow-up questions are HQ lead. I'm waiting to hear back from Erik on urgency of request. I believe Sen. Tester planned to meet with the constituent soon. Is this a call that can happen without R8 participation?

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From: Nylund, Erik (Tester) [mailto:Erik_Nylund@tester.senate.gov]

Sent: Wednesday, December 16, 2015 1:08 PM

To: Janifer, Pamela <Janifer.Pamela@epa.gov>

Subject: RE: Sen. Tester Inquiry about Bear Spray

Thanks Pamela,

I do have a couple follow questions. This is somewhat sticky because it's two Montana based companies and some of the disputed claims about the effectiveness of each spray is from a Montana based advocacy group.

So here's what I have as far as questions you might be able to answer:

1. If Bushwacker received a warning, and the information on the website hasn't changed, what has happened since 2014? When will something happen or did Bushwacker take action to satisfy EPA already?
2. Does EPA evaluate or test claims made on the effectiveness of products?
3. The approved chart doesn't include all of the products for at least one of the companies listed. UDAP claims it has products that meets the recommendations cited on the chart, but this chart doesn't include all of their products. Is something like omission typically considered misleading?
4. Is the approval of the chart subject to review or change when the product lines change?
5. Is there an appeal process for UDAP to contest the 2009 approval in light of changes in its products which change the data contained in the chart? Additionally, is there a requirement for entities using the chart to update the content?

Thanks,

Erik